

Regulating Lot Sizes, Shapes and Building Envelopes

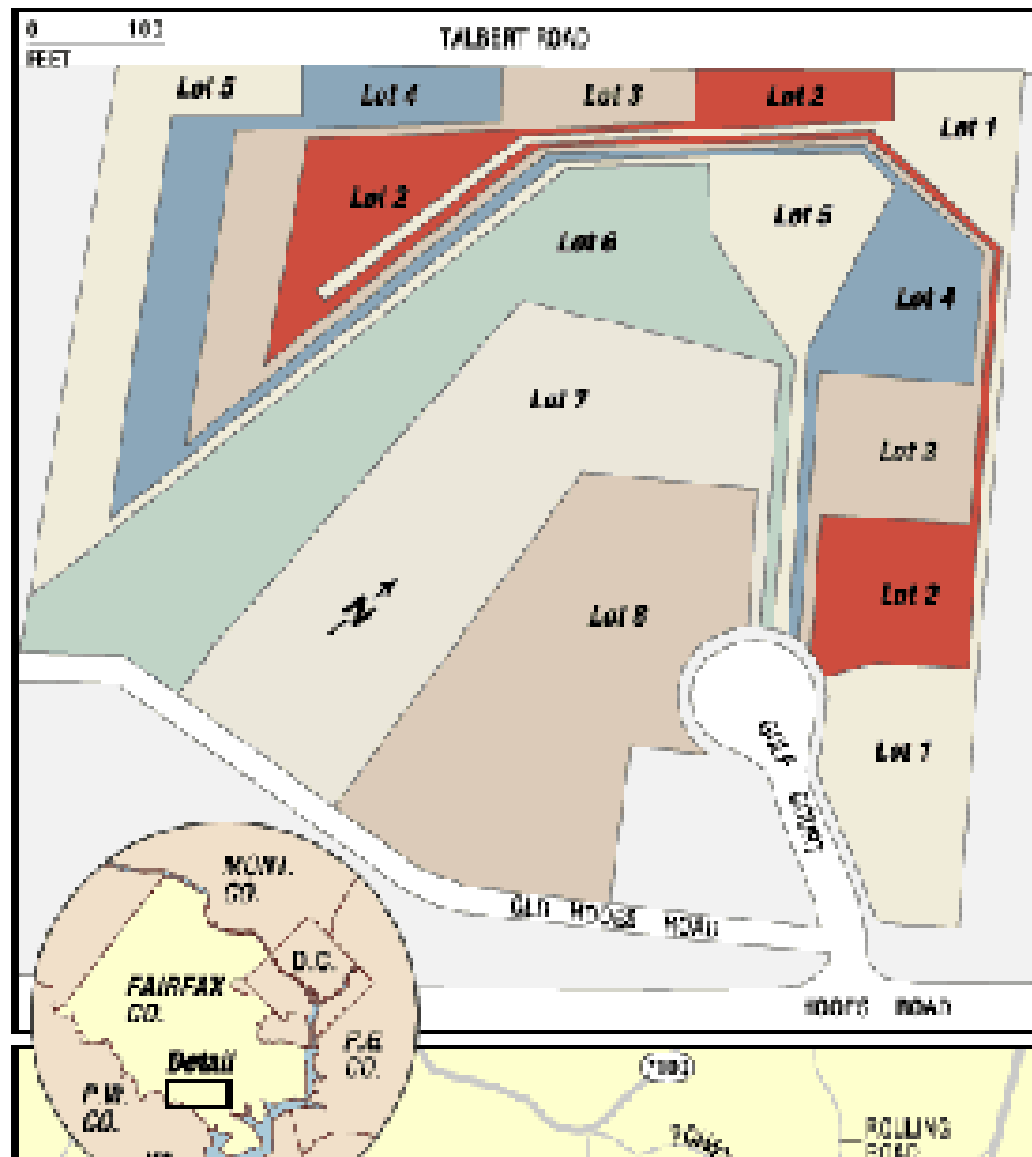
NH Office of Energy and Planning
Spring Conference, April 2006
Ross A. Moldoff, Planning Director
Salem, NH

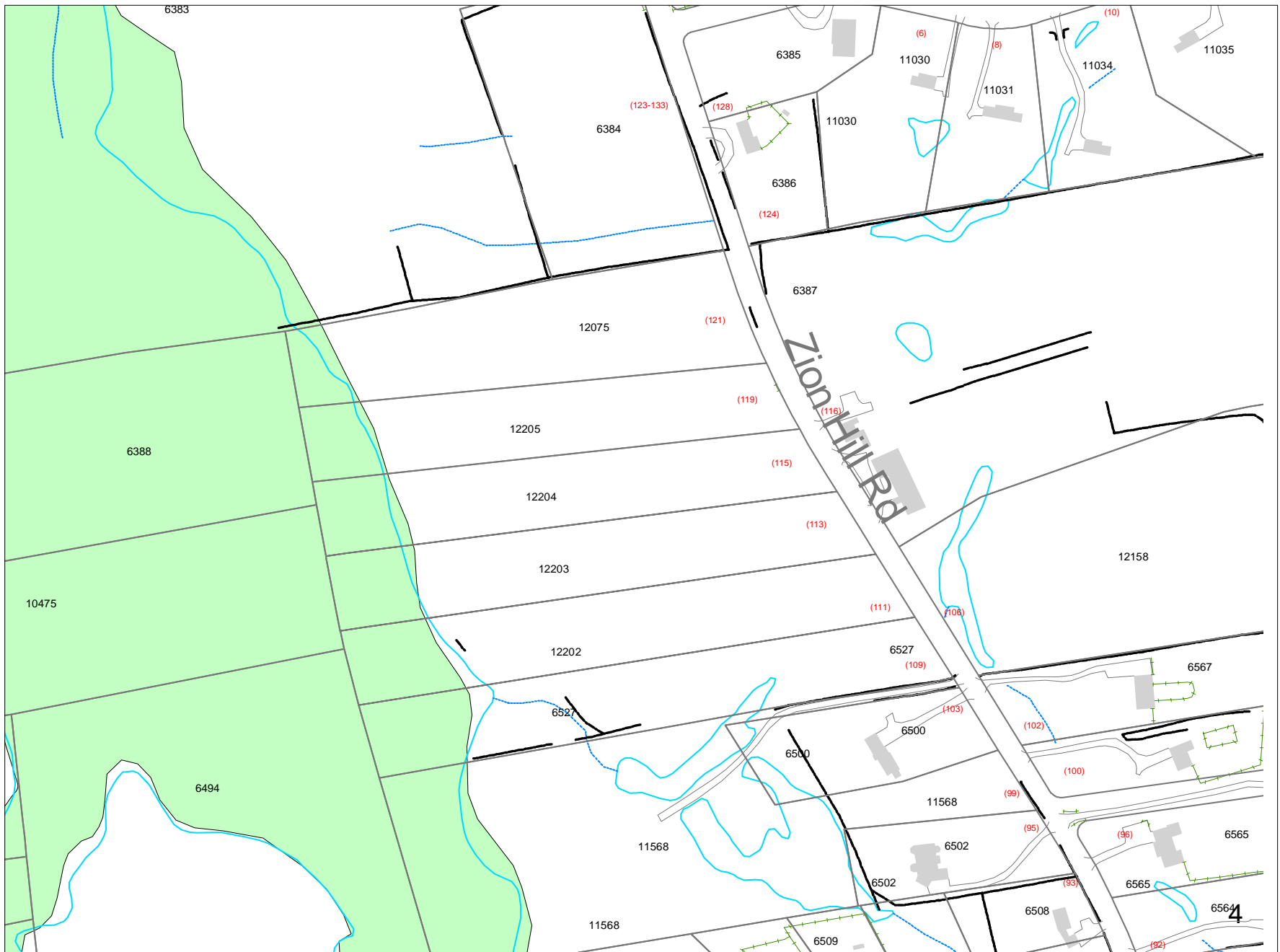


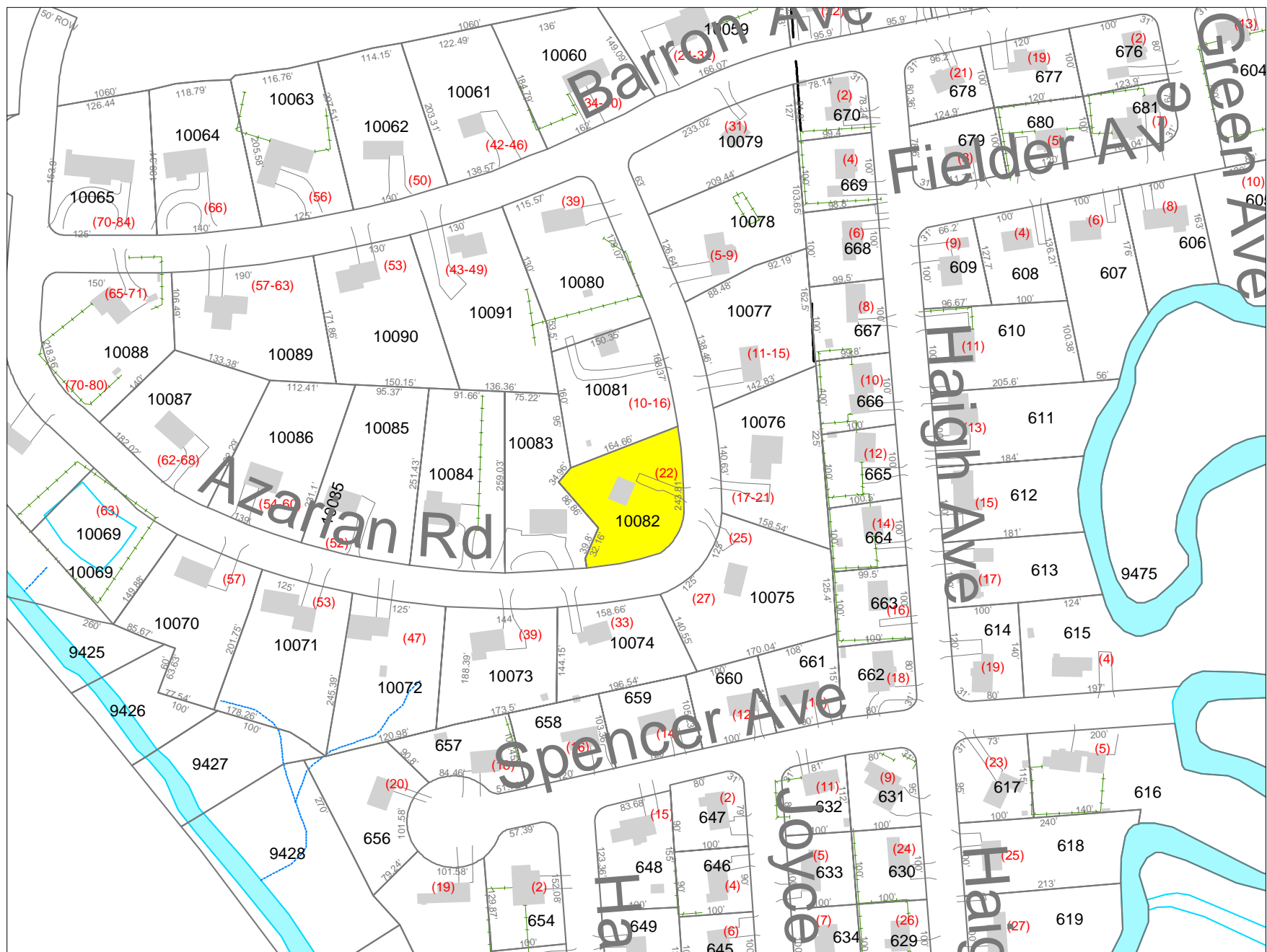
"Mr. Osborne, may I be excused? My brain is full."

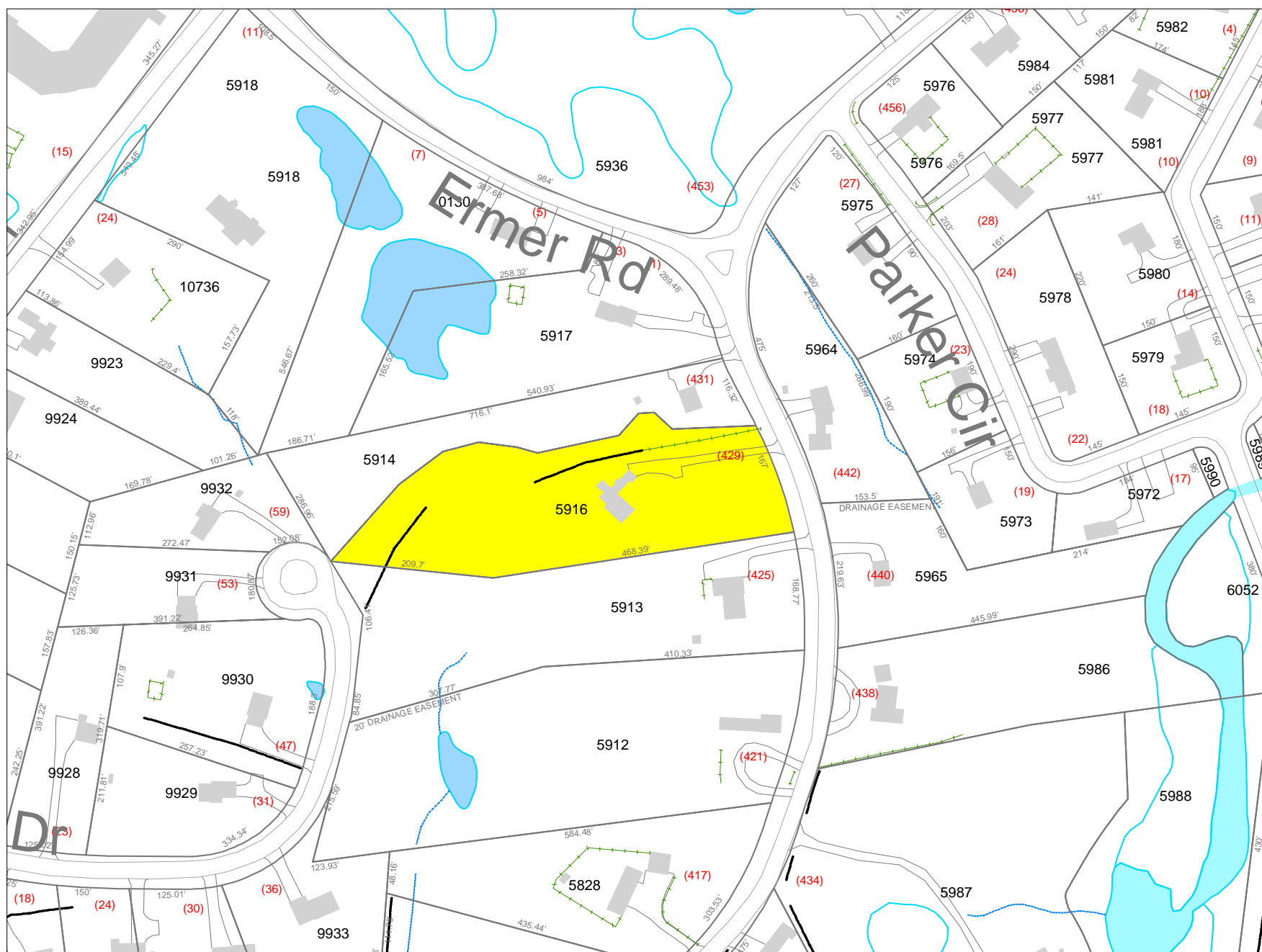
Suburban Growth

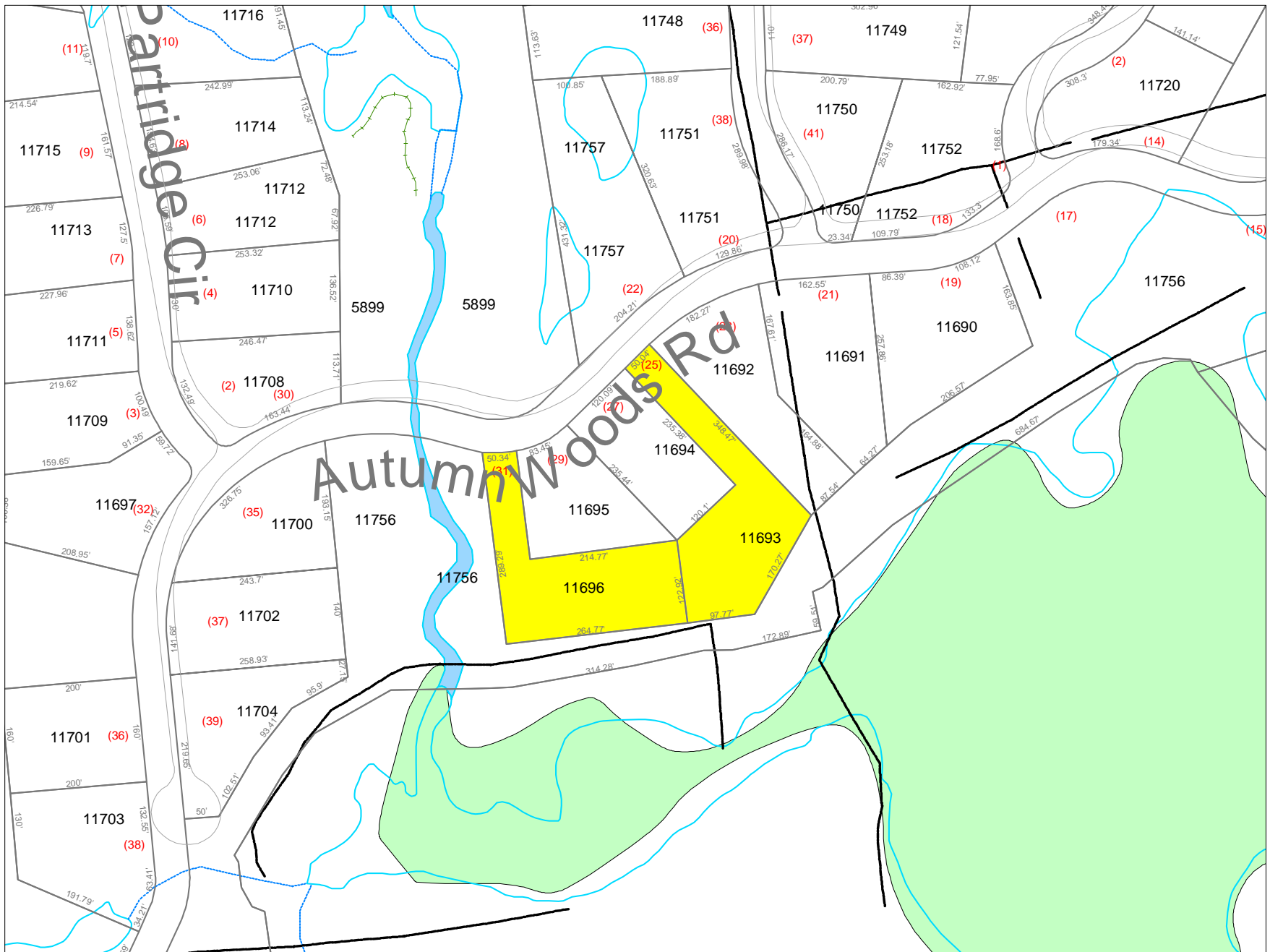
Land scarcity and rising prices are driving some developers to carve up a given landscape in an unusual way to create as many lots as possible and still meet county regulations. The planned Giles Glen subdivision in southern Fairfax County is an example of this practice: Here, some side lots and back lots are connected to front lots by small strips of land.

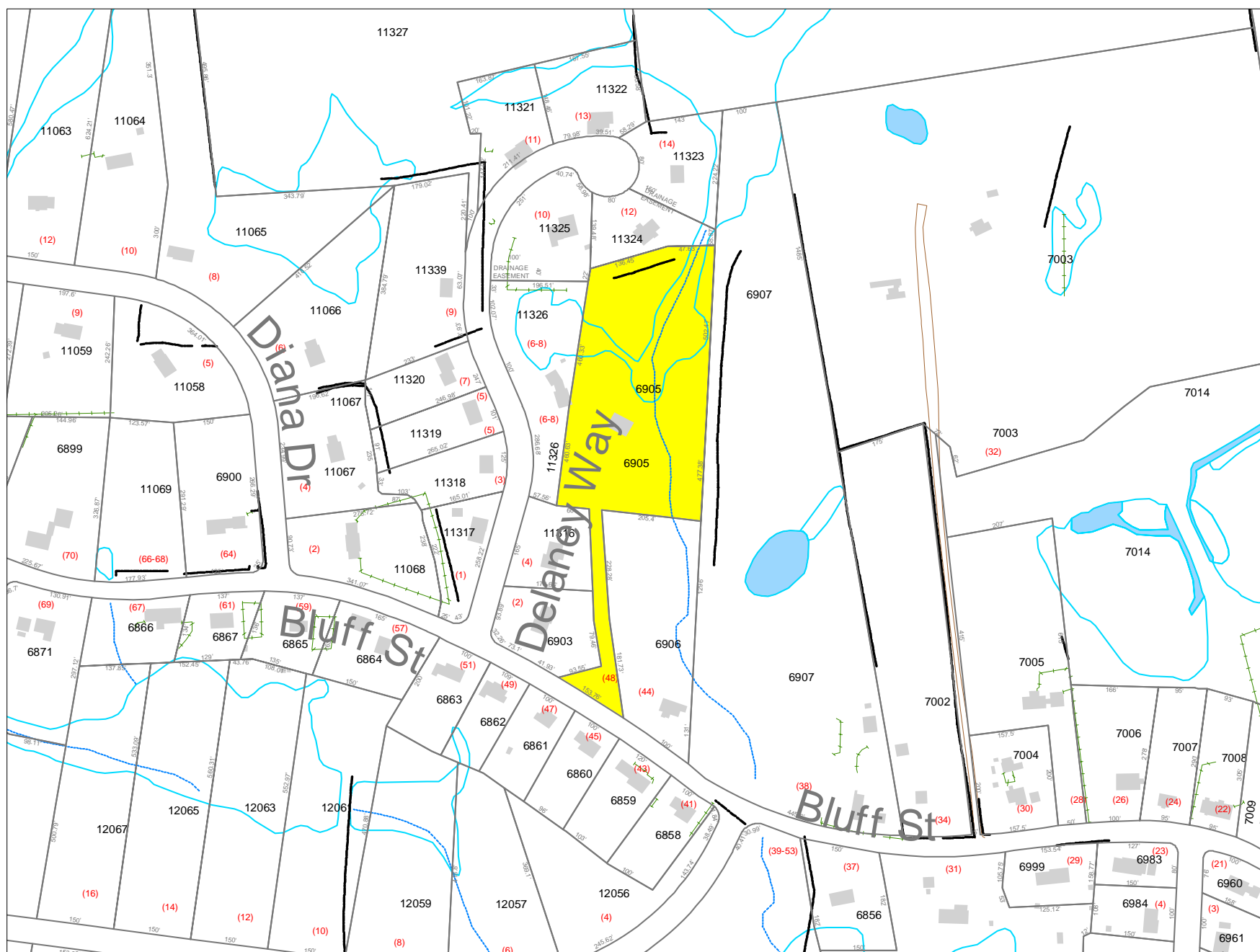


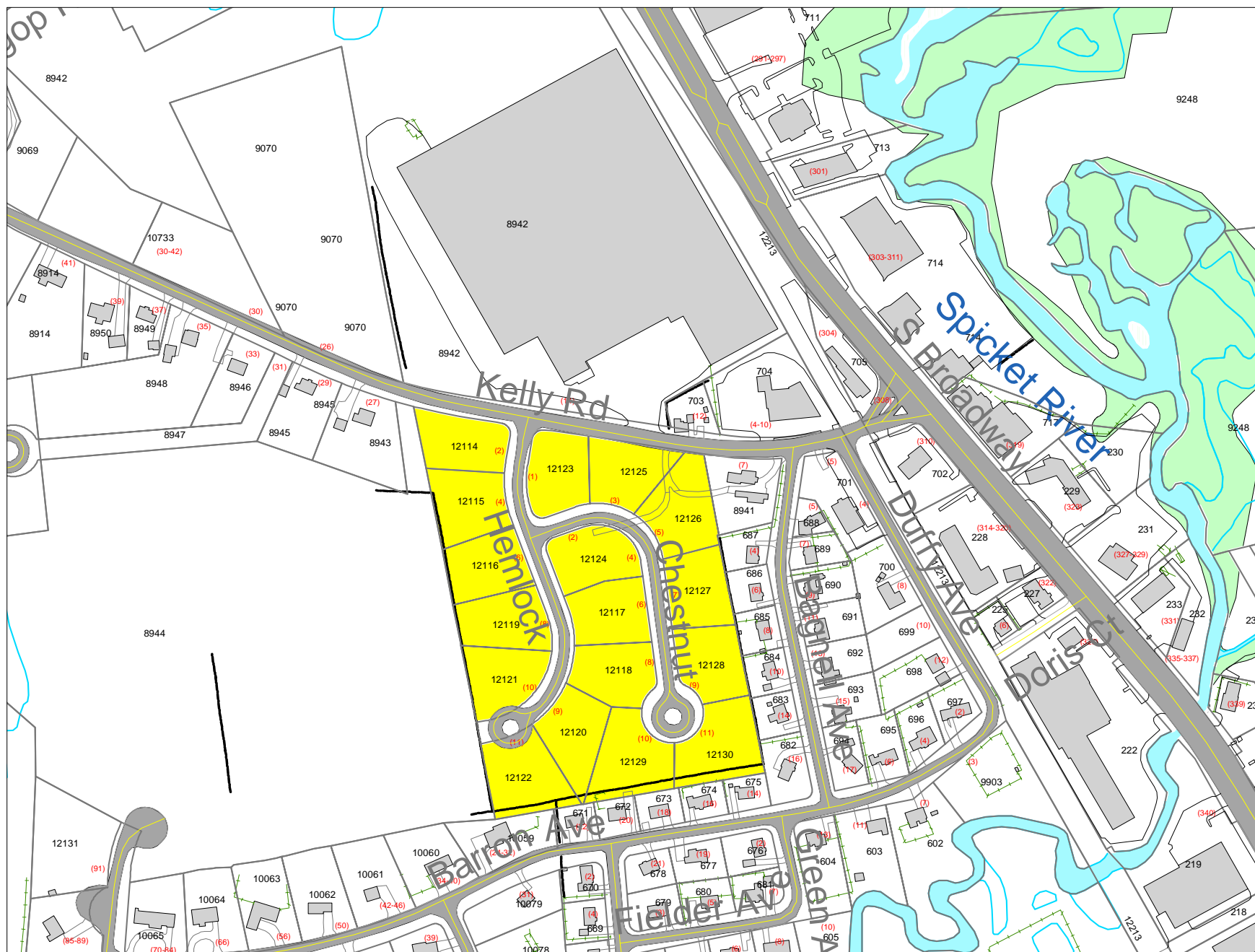
















MINIMUM LOT SIZES

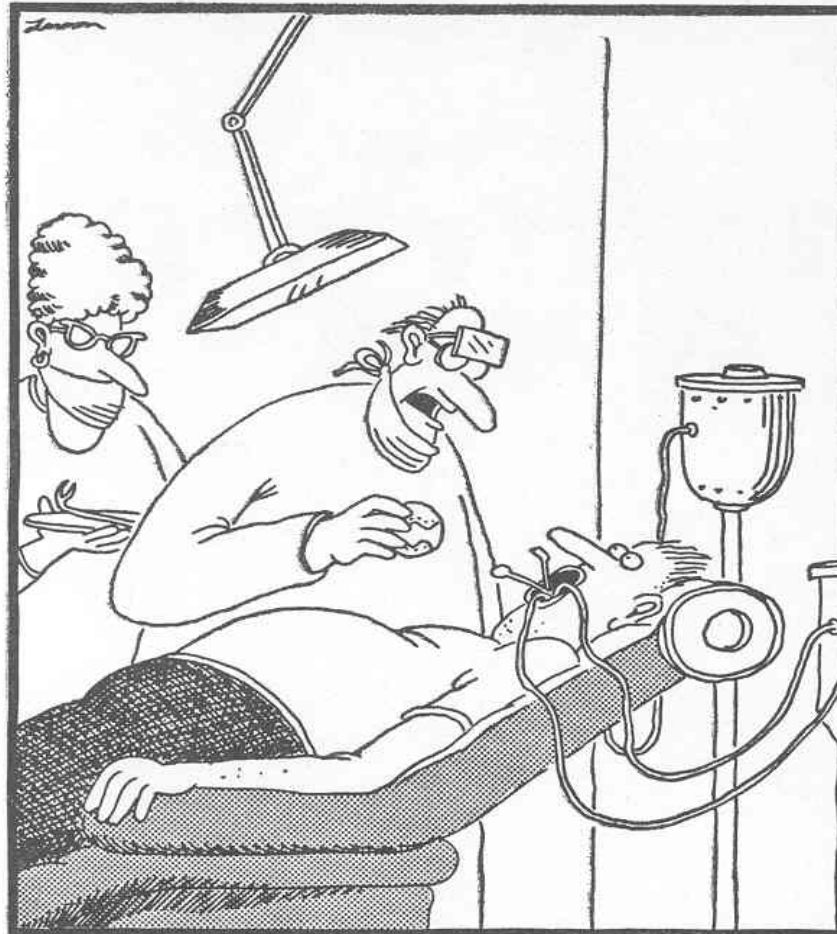
- RSA 674:16 – “The zoning ordinance shall be designed to regulate and restrict: ...(b) lot sizes, the percentage of a lot that may be occupied, and the size of yards, courts and other open spaces; and (c) The density of population in the municipality...”

MINIMUM LOT SIZES

- RSA 674:17 – “Zoning ordinances shall be designed: ...(e) To prevent the overcrowding of the land; (f) To avoid undue concentration of population...”

MINIMUM LOT SIZES

- RSA 674:36 – “The subdivision regulations which the planning board adopts may:(i) Prescribe minimum areas of lots so as to assure conformance with local zoning ordinances and to assure such additional areas as may be needed for each lot for on-site sanitary facilities....”



**"Now open even wider, Mr. Stevens. ...
Just out of curiosity, we're going to see
if we can also cram in this tennis ball."**

CASPERSEN V. LYME

- 1995 ruling
- 50 acre minimum lot size for Mountain and Forest District
- Goal was to encourage forestry and timber harvesting
- Court said Town's goal was legitimate and 50 acre min. lot size was rationally related to goal
- Constitutionality of lot size must be assessed in light of Town's zoning goals...50 acre lot size would probably be invalid in residential or commercial district

2 Acre Minimum Lot Size in Salem

- Proposed as citizen petition by abutters to large subdivision in 1998
- Prior min. lot size was 30,000 sf then 1 acre
- Adopted by voters despite opposition from Planning Board
- Most effective tool for controlling residential growth
- Applies to Rural District only

Arguments Against Large Minimum Lot Sizes

- Unaffordable housing
- Sprawl
- Social isolation
- Higher per-unit cost for infrastructure
- More land clearing for each house

Arguments For Large Minimum Lot Sizes

- Flexible house locations
- Preserves existing vegetation/buffers
- Manages growth by limiting # lots



Lot Regulations in Salem

- **The lot size, width, depth, shape, and orientation and the minimum building setback lines** shall be appropriate for the location of the subdivision and the type of development and use contemplated. Lots shall provide satisfactory sites for buildings and be properly related to topography. Lots shall not contain irregular shapes or elongations solely to provide necessary square footage

Lot Regulations in Salem

(cont'd.)

- Each lot shall contain a **building envelope** meeting all setback requirements which includes, at a minimum, a contiguous area of useable land (non-wetland, no slopes greater than 25%) equal to thirty (30) percent of the minimum lot size for the zoning district in which it is located. Examples: lots in Residential District require minimum 25,000 sf.; so minimum building envelope is $25,000 \times 30\% = 7,500$ sf. Lots in Rural District require minimum of 43,560 sf., so minimum building envelope is $43,560 \times 30\% = 13,068$ sf

Lot Regulations in Salem

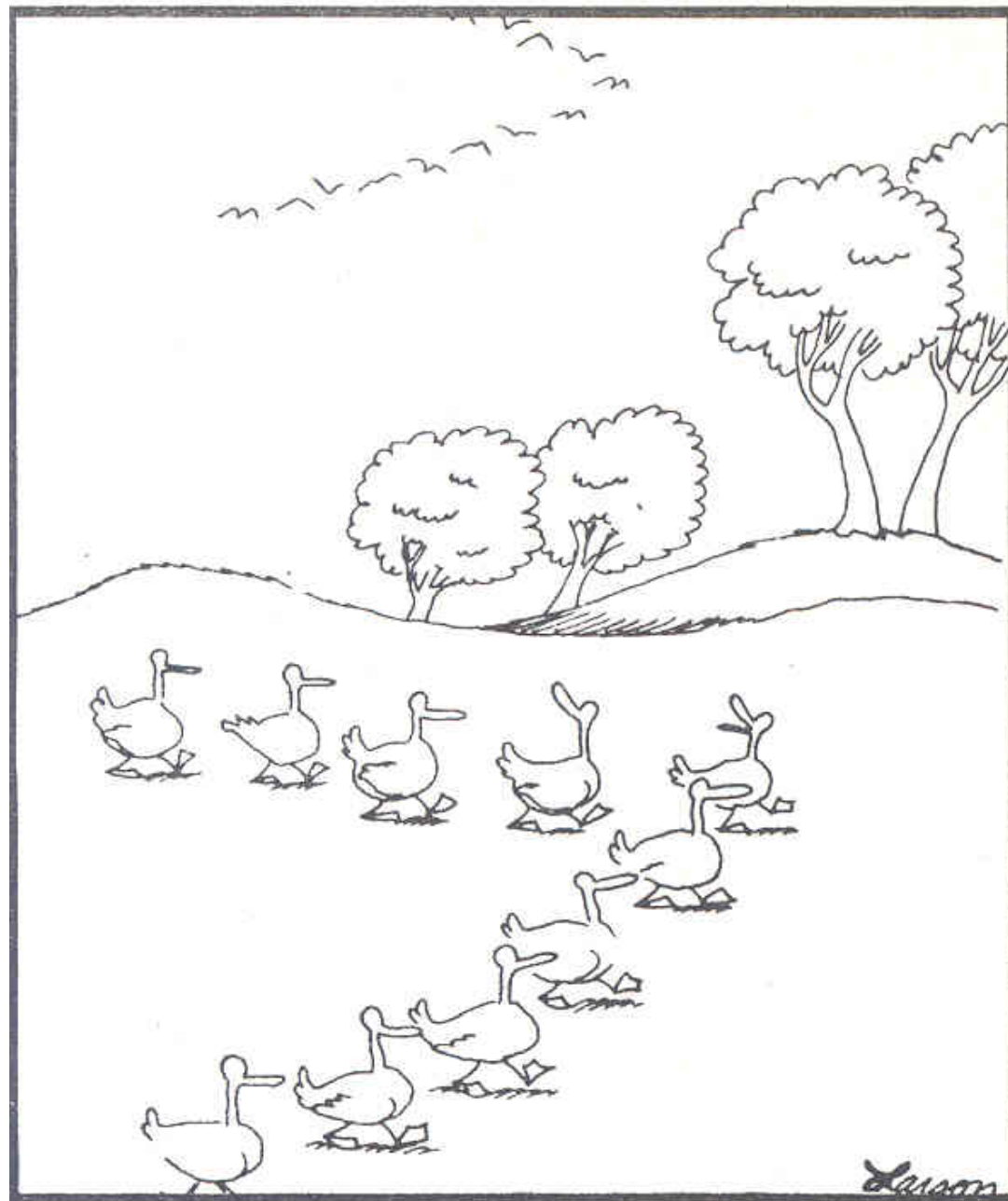
(cont'd.)

- **Lot dimensions** shall conform to the requirements of the Zoning Ordinance as a minimum
- The size of lots with septic systems shall be determined from on-site soil analysis and the **minimum lot size table**
- In no case shall less than **22,500 square feet of contiguous non-wetland soils** be allowed on lots serviced by on-site septic systems

Lot Regulations in Salem

(cont'd.)

- **Corner lots** shall have sufficient width to permit appropriate building setback from and orientation to both streets
- Each lot must have **satisfactory access** to a public street
- **Double frontage and reverse frontage lots** should be avoided
- **Side lots lines** shall be substantially at right angles or radial to street lines (within 5 degrees) for at least one hundred fifty (150) feet back from the front property line



"Say ... look what *they*'re doing."

Bedford, NH

- The **arrangement of lots** shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots shall be arranged such that their sidelines are substantially perpendicular or radial to streets. Lots shall be configured in regular geometric shapes, such as squares, triangles, rectangles, or any other form acceptable to the Planning Board to address specific site constraints.
- A **minimum Buildable Area** of 13,000 square feet shall be provided on lots where the existing natural slopes contained within the Buildable Area are 0% to 8%.
- A minimum Buildable Area of 20,000 square feet shall be provided on lots where the existing natural slopes contained within the Buildable Area are greater than 8%, but are less than or equal to 25%.
- No Buildable Area shall contain existing natural slopes that exceed 25%.
- Each lot shall be configured such that a rectangle with dimensions of 100 feet by 75 feet of Buildable Area or a circle with a diameter of 100 foot of Buildable Area can be contained within it.

Litchfield, NH

- A subdivision lot layout resulting in an unusual shape solely to satisfy minimum area requirements of the Zoning Ordinance will not be approved. To ensure regular shaped lots, the following standard applies. The Regularity or “R” value of a lot shall be no less than 0.40, where (16 times the area of the lot) is divided by (the perimeter of the lot, squared). A perfect square has an “R” value of 1.0. The applicant shall also demonstrate that each dwelling unit is in a feasible location for safe and convenient access for a driveway without unreasonable grades.

Newbury, NH

- In order to avoid odd shaped lots, and to ensure adequate space near the road for the construction of a dwelling unit, each lot shall have a Form Factor of less than 25. Lots with either frontage greater than 300 feet or area greater than ten acres are exempt from this requirement
- Form Factor means the number which represents the relationship between the boundaries of a lot and its area. A small number indicates a squarish, compact lot, while a large number indicates a long and narrow, or convoluted shape. The number is calculated by squaring the perimeter of the lot, in feet, and dividing by its area, in square feet. ($FF = P[\text{squared}] \div A$)

Pelham, NH

- The intent of these regulations is to enhance and insure consistency with the Pelham Zoning Ordinance and the following purposes:
 1. To promote lots that are shaped in a manner that promotes clarity of ownership, access across fee-title land rather than easement interests which may promote destructive property disputes, and to promote the convenient and harmonious development of the land.
 2. To prevent close proximity of narrow portions of lots that will create a situation that reduces privacy and increases congestion and overcrowding of the land.
 3. To prevent the close proximity of house sites tend to create conflicts among the use of the land, including maintenance disputes, use disputes, and property ownership disputes between landowners and is not permitted.
 4. To prevent lot shapes lot that cannot reasonably be interpreted to be an orderly layout of the land or insure that proper description of ownership or ease of identification will carry forward in time are not permitted.

Pelham, NH (cont'd.)

Lot Shape

- Lots shall be shaped in a manner that promotes clarity of ownership
- No portion of a lot between the dwelling unit site or usable building envelope and the street upon which the lot has frontage shall be less than 75' in width.
- To maximum extent possible all new lots shall be **rectangular** in nature.
- In order to protect neighborhood character and promote privacy, non-rectangular or pie-shaped lots may be allowed as long as they are a minimum of three acres in size.
- No portion of a lot created under these regulations shall be less than 50' in width.

Pelham, NH (cont'd.)

- Each lot created as a part of these regulations shall have a contiguous **building envelope** area delineated on the parcel and shall be at least 100 by 150 in dimension. The minimum building envelope area shall be 15,000 square feet, sufficient space for natural expansion residential uses commonly associated with single-family structures.
- Building envelopes shall be selected so as not to intrude on the tops of visible ridgelines.
- Building envelopes shall be located to minimize the visual impact of the development unless such placement is part of an integrated plan to protect viewsheds or minimize the visual intrusion of the improved portion of the subdivision.
- Building envelopes shall not include wetlands or 100-year floodplains.
- Building envelopes shall not include areas with slopes in excess of 25%.
- No more than 50% of the building envelope may contain 15% slopes.
- The building envelope shall be accessible to existing or proposed roadways without crossing the wetland conservation district

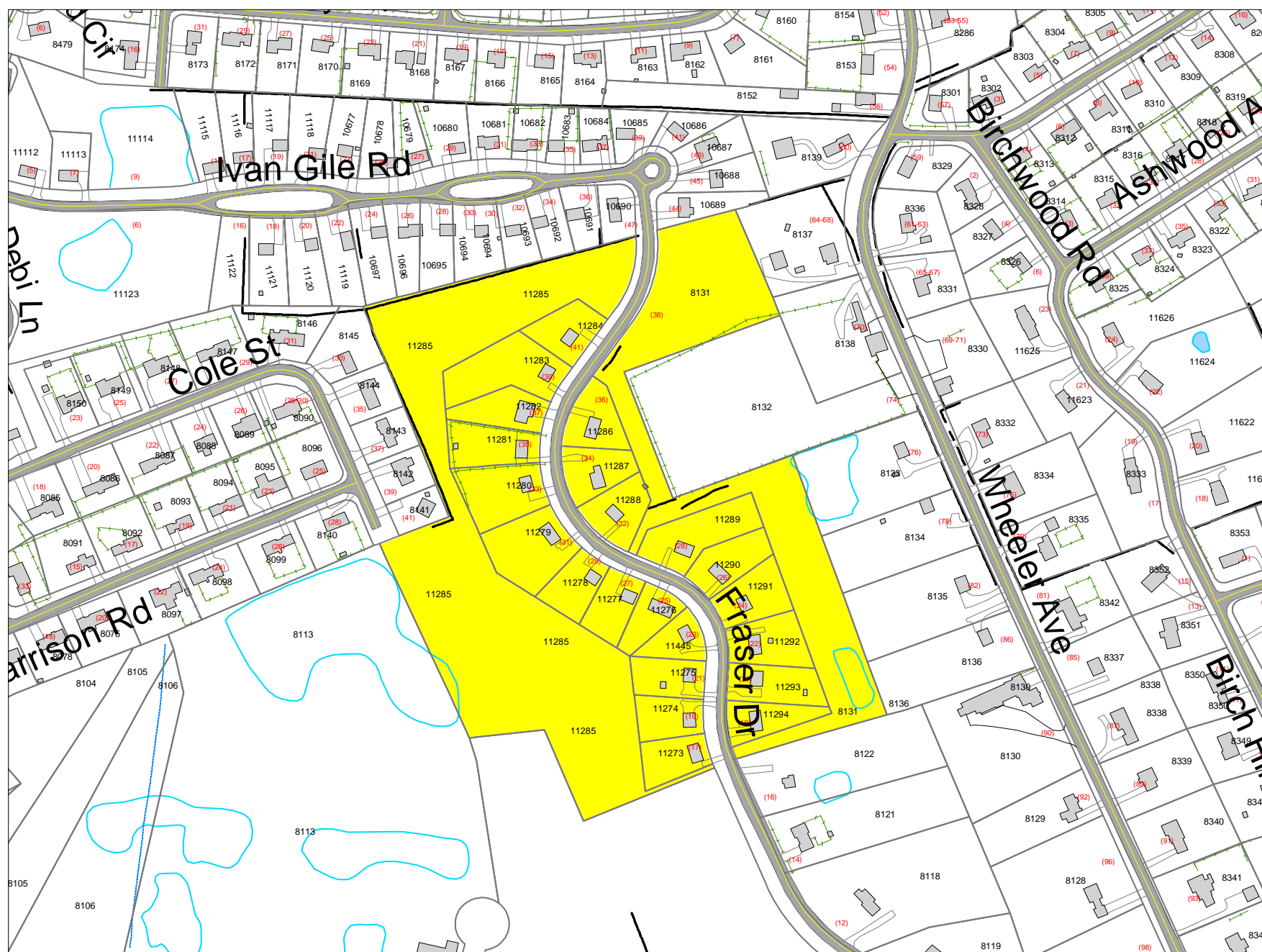
1982



"Wait! Wait! Listen to me! ... We don't have to be just sheep!"

Problems With Open Space Subdivisions

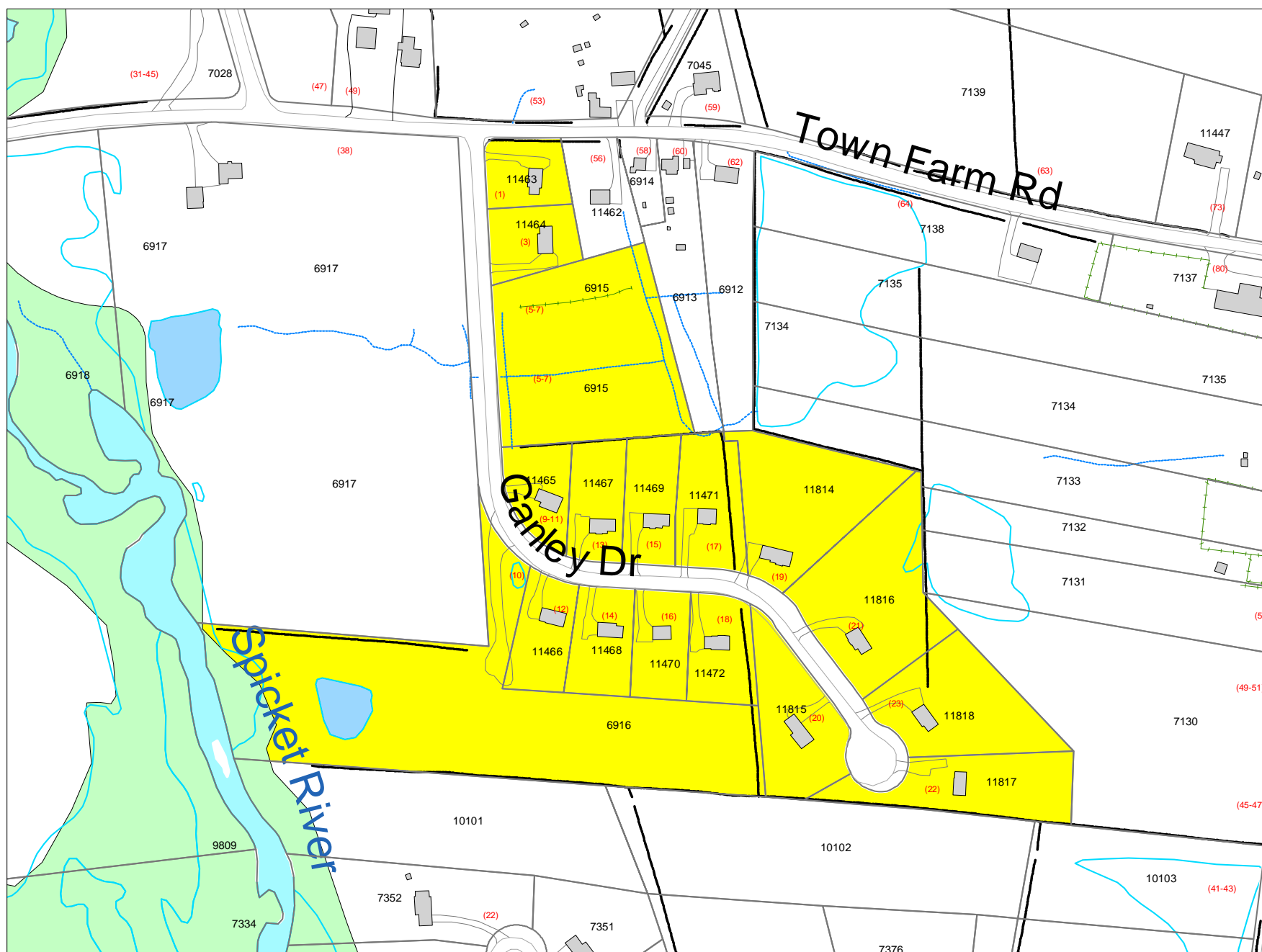
- Small lots with limited building envelopes
- More tree cutting
- Unusable or invisible open space
- Limited access to open space
- Unclear boundaries of open space lots
- Overstating allowable number of lots
- Sophistication needed to get good plans







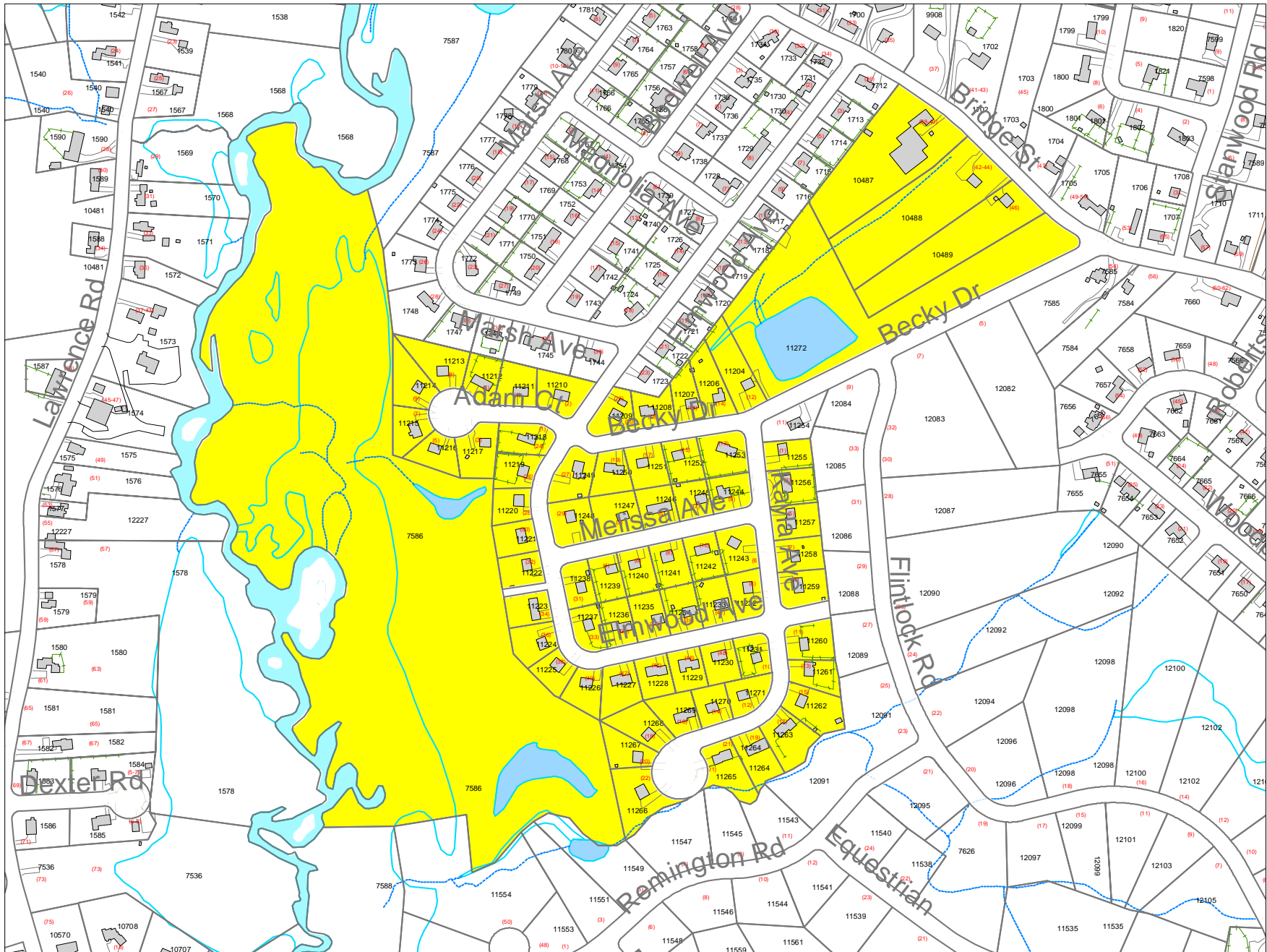


















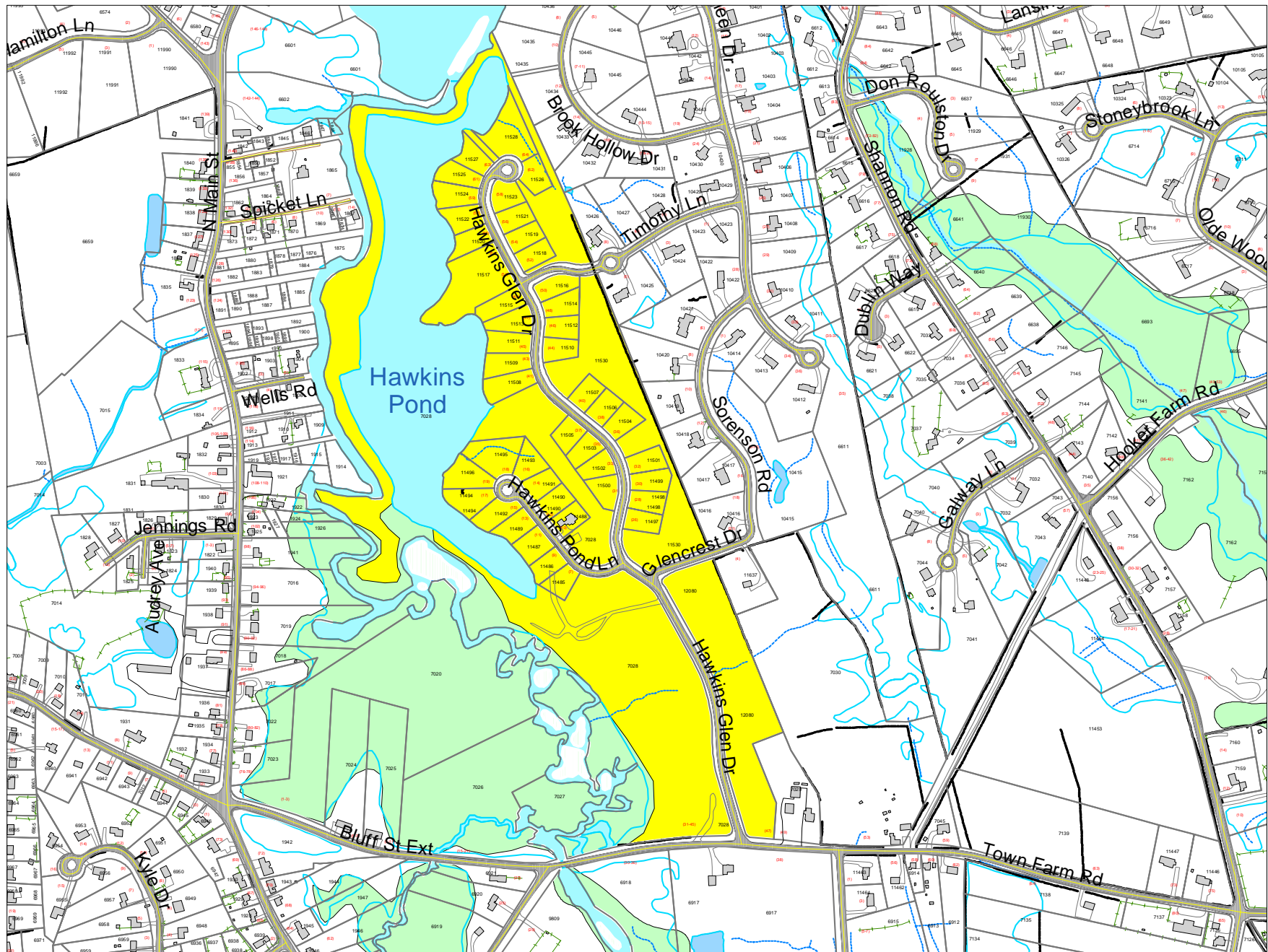














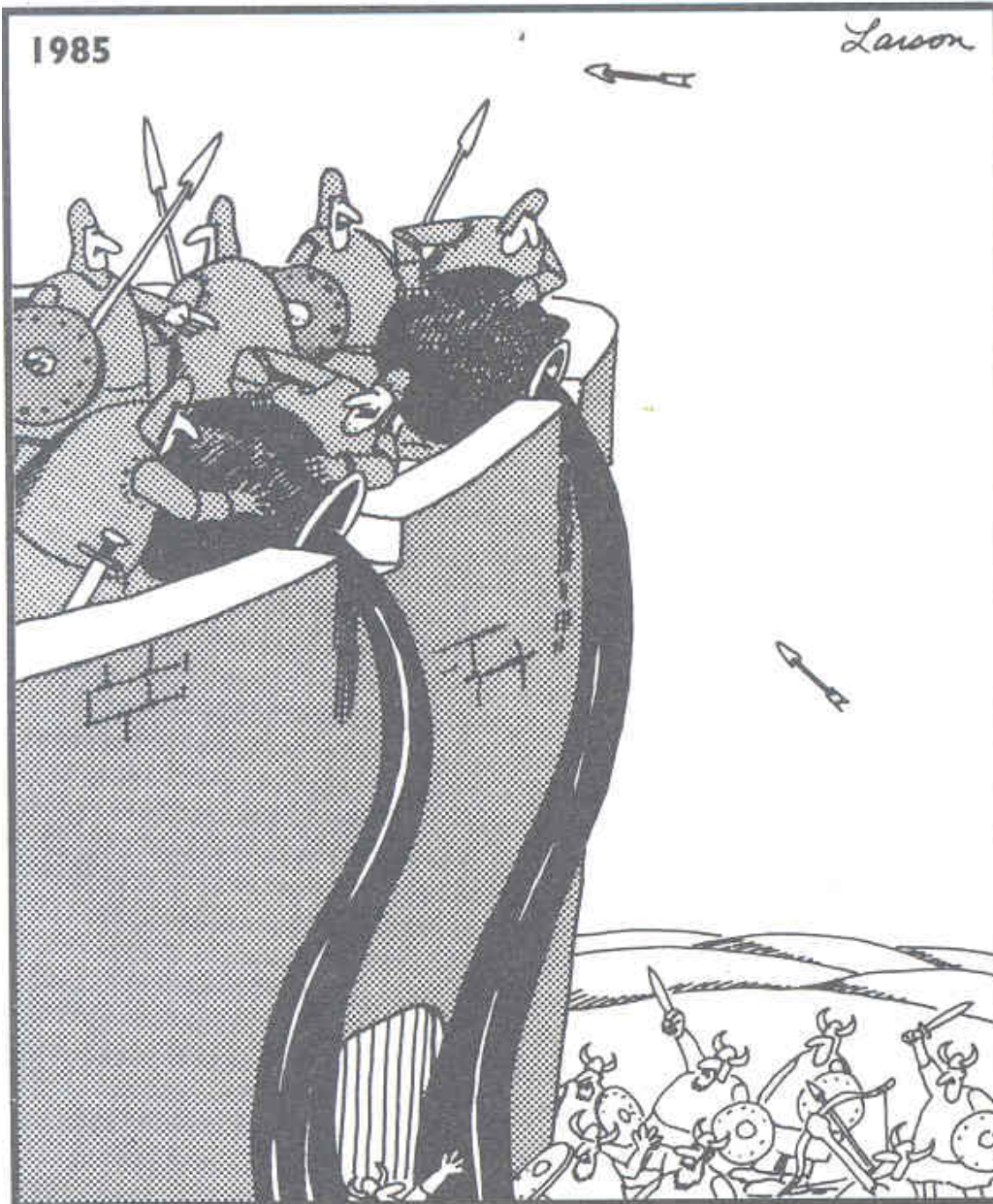






References

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<http://www.townofsaalemnh.org/pdf/SubdivisionRegulations.pdf>
- Pelham Subdivision Regulations
http://www.pelhamweb.com/planning/HTML%20Docs/_Toc529869719
- Southern Maine RPC Model Subdivision Ordinance
<http://www.smrpc.org/Subdivision/modelsubdivision.pdf>
- Handbook of Subdivision Review: A Guide for NH Officials. 1996.
NH Office of Energy and Planning



“You know, I have a confession to make, Bernie.
Win or lose, I love doing this.”